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LAW OFFICES

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JUDGE S. A. SCHEINDLIN Fax: 212-805-7920

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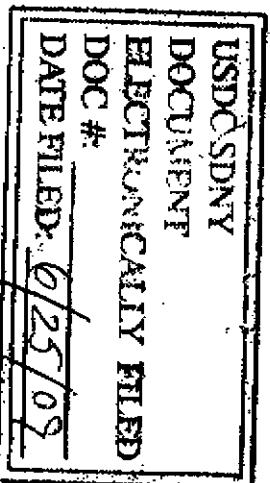
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June 24, 2009

VIA FACSIMILE

The Honorable Shira A. Scheindlin
U.S. District Judge
U.S. District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
Fax No.: 212-805-7920



Re: Joseph Pierro v. The City of New York et al.
07-CV-11214 (SAS)

Dear Judge Scheindlin:

We represent Plaintiff Joseph Pierro in the above-referenced action. Plaintiff respectfully requests: an extension of the fact discovery deadline from June 30, 2009 to October 30, 2009; an extension of the deadline for Plaintiff to serve his expert report from July 15, 2009 to November 15, 2009; an extension of the deadline for Defendants to serve their expert report from August 5, 2009 to December 5, 2009; and an extension of the deadline for the completion of expert depositions and expert discovery from August 29, 2009 to December 29, 2009. Assistant Corporation Counsel Jamie Zisman, who is representing the Defendants in this action, has informed me that she consents to our request for these extensions.

Plaintiff requests these extensions for the following reasons. Firstly, regrettably, our office has not made a great deal of progress in discovery since the April 6th conference, mostly due to the fact that since November 2008, I have only been working part-time for Ofodile & Associates, P.C. and I am the Associate who has been working with Mr. Ofodile on discovery from the start of this case. Of the other two Associates in the office, one is also part-time and was only recently admitted and the other has only been employed in our office only since late last year. However, our office has made some progress since the April 6th conference. We are almost finished drafting Plaintiff's responses and objections to Defendants' first set of interrogatories and first set of document requests in 08-CV-5329 (which was consolidated with 07-CV-11214 in

of time will be promptly granted because they are busy on other matters. All discovery in this case must be completed on August 29, 2009 as scheduled. However, the parties can decide how to use the time between now and then. So Ordered: 6/25/09

Relaybot denied. The discovery schedule is phase and "as ordered" by the Court and must be followed. I am sure that Mr. Zisman's explanation

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August 2008).¹ Defendants served their interrogatories and document requests for 08-CV-5329 on our office on or about April 21, 2009. In addition, over the past month, we have been negotiating the terms of a Protective Order for Defendants' production of documents. Furthermore, this past Friday, June 19th, our office produced Plaintiff Joseph Fierro for the first part of his deposition.

Another reason that we are requesting extensions of four months is that many of the individuals our office seeks to depose are educators in the New York City Department of Education and have summers off and might not be available to be deposed during the months of July and August. Finally, we need these four-month extensions because the parties are conducting discovery of the instant case and 08-CV-1837, which is pending in the Eastern District of New York, together.

We are attaching a Proposed Amended Scheduling Order. We would greatly appreciate the aforementioned four-month extensions and thank the Court for its time and attention to this application.

Respectfully submitted by:



Kathy A. Polias, Esq.
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cc: VIA FACSIMILE

Jamie M. Zinaman, Esq.
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¹ We served Plaintiff's responses and objections to Defendants' written discovery requests for 07-CV-11214 in or about August 2008.